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03-24-23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: *James et al.*

Title: PLANT GENE SEQUENCES I

Serial No.: 09/394,519

Filing date: September 13, 1999

Examiner: Epps, J. L.

Group Art Unit: 1635

Commissioner for Patents
Box Refunds
Washington DC 20231

REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26

Dear Sir:

On October 16, 2002, Applicants' counsel, Morrison & Foerster LLP, filed a Petition For Three-Month Extension of Time (copy enclosed) in the instant application, and authorized the fee of \$920.00 to be charged to Deposit Account No. 03-1932, Morrison & Foerster LLP.

On November 15, 2002, Applicants filed a divisional patent application (Attorney Docket No. MBI-0003-2 DIV) based on Application No. 09/394,519, the instant Application. Along with the divisional Application documents, an additional Petition For a Three-Month Extension of Time (copy enclosed) was filed by actual mistake and the fee of \$920.00 was authorized to be charged to Deposit Account No. 50-1025, Mendel Biotechnology, Inc.

It is respectfully requested that a refund of the fee be credited to Deposit Account No. 50-1025, Mendel Biotechnology, Inc., as the Petition For Extension of Time filed November 15, 2002 was mistakenly submitted with the divisional application filed on November 15, 2002.

Respectfully submitted,

Date: 23rd December 2002

By

Matthew R. Kane, D.Pat.
Registration No. 44,817

Mendel Biotechnology, Inc.
21375 Cabot Blvd.
Hayward, California 94545
Phone: (510) 259-6120
Fax: (510) 264-0254

FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to change.

TOTAL AMOUNT OF PAYMENT

Account Number	03-1052
Patent	03-1052
Patent Number	03-1052
Patent Title	03-1052
Patent Class	03-1052
Patent Status	03-1052
Patent Fee	03-1052

METHOD OF PAYMENT

1. ☒ The Comptroller is hereby notified that the fee and shall pay overpayment.

Deposit Account Number	03-1052
Deposit Account Name	Monroe & Foster LLP

- ☒ Charge Any Additional Fee Required Under 35 CFR 1.101 and 1.102
- ☐ Applicant elects small entity status. See 35 USC 1.101

2. ☐ Payment Enclosed

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Small Fee Code	Large Fee (\$)	Small Fee (\$)	Fee Description
101	301	740	370	Utility filing fee
106	306	330	165	Change filing fee
107	307	510	255	Filing office fee
108	308	740	370	Examination fee
114	314	180	90	Prosecution fee

SUBTOTAL (1) \$820.00

2. EXTRA CLAIM FEES

Large Fee Code	Small Fee Code	Large Fee (\$)	Small Fee (\$)	Fee Description
103	303	10	5	Claims in excess of 10
102	302	4	2	Independent claims
104	304	200	100	Multiple dependent claims (first only)
105	305	4	2	Dependent claims (first only)
110	310	10	5	Dependent claims (first only)

SUBTOTAL (2) \$0.00

** or number previously paid, if greater. For payment, see page 2.

FEE CALCULATION (Continued)

Large Fee Code	Small Fee Code	Large Fee (\$)	Small Fee (\$)	Fee Description	Fee Paid
109	309	200	100	Search fee - fee filing fee or with	
127	327	40	20	Reexamination fee	
130	330	100	50	Post-grant publication	
131	331	100	50	Post-grant publication	
132	332	100	50	Post-grant publication	
133	333	100	50	Post-grant publication	
134	334	100	50	Post-grant publication	
135	335	100	50	Post-grant publication	
136	336	100	50	Post-grant publication	
137	337	100	50	Post-grant publication	
138	338	100	50	Post-grant publication	
139	339	100	50	Post-grant publication	
140	340	100	50	Post-grant publication	
141	341	100	50	Post-grant publication	
142	342	100	50	Post-grant publication	
143	343	100	50	Post-grant publication	
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145	345	100	50	Post-grant publication	
146	346	100	50	Post-grant publication	
147	347	100	50	Post-grant publication	
148	348	100	50	Post-grant publication	
149	349	100	50	Post-grant publication	
150	350	100	50	Post-grant publication	
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153	353	100	50	Post-grant publication	
154	354	100	50	Post-grant publication	
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158	358	100	50	Post-grant publication	
159	359	100	50	Post-grant publication	
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161	361	100	50	Post-grant publication	
162	362	100	50	Post-grant publication	
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166	366	100	50	Post-grant publication	
167	367	100	50	Post-grant publication	
168	368	100	50	Post-grant publication	
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170	370	100	50	Post-grant publication	
171	371	100	50	Post-grant publication	
172	372	100	50	Post-grant publication	
173	373	100	50	Post-grant publication	
174	374	100	50	Post-grant publication	
175	375	100	50	Post-grant publication	
176	376	100	50	Post-grant publication	
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181	381	100	50	Post-grant publication	
182	382	100	50	Post-grant publication	
183	383	100	50	Post-grant publication	
184	384	100	50	Post-grant publication	
185	385	100	50	Post-grant publication	
186	386	100	50	Post-grant publication	
187	387	100	50	Post-grant publication	
188	388	100	50	Post-grant publication	
189	389	100	50	Post-grant publication	
190	390	100	50	Post-grant publication	
191	391	100	50	Post-grant publication	
192	392	100	50	Post-grant publication	
193	393	100	50	Post-grant publication	
194	394	100	50	Post-grant publication	
195	395	100	50	Post-grant publication	
196	396	100	50	Post-grant publication	
197	397	100	50	Post-grant publication	
198	398	100	50	Post-grant publication	
199	399	100	50	Post-grant publication	
200	400	100	50	Post-grant publication	

SUBTOTAL (3) \$820.00

SUBMITTED BY

Name (Print/Type)	Michael R. Ward	Signature	(415) 288-6237
Signature	[Signature]	Date	October 16, 2002

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.130(a)

Application Number: 09/204,319

Inventor:
 James S. Wang, et al.

Application Number:

09/204,319

Date:

September 13, 1999

For
 PLANT GENE SEQUENCES I

Class: 1639

Examiner:

J. Epps

This is a request under the provisions of 37 CFR 1.130(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ 110.00
- ☐ Two months (37 CFR 1.17(a)(2)) \$ 400.00
- ☒ Three months (37 CFR 1.17(a)(3)) \$ 920.00
- ☐ Four months (37 CFR 1.17(a)(4)) \$1,440.00
- ☐ Five months (37 CFR 1.17(a)(5)) \$1,960.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

unt.

☒ The Commissioner is hereby authorized to charge \$920.00 (for extension to and including November 16, 2002) and any additional fees which may be required, or credit any overpayment, to Deposit Account Number 03-1952. I have enclosed a duplicate copy of this check. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

I am the: ☐ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71.
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.24(c).
 Registration number if acting under 37 CFR 1.24(c): _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide name, address, and information and authorization on PTO-2038.

October 16, 2002
 Date

Michael R. Ward
 Signature

Michael R. Ward (Reg. No. 38,651)
 Title or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representatives are required. Submit multiple forms if more than one signature is required and necessary.

PTO/BB/05 (03-01)
 Approved for Release 10/31/2002 : OMB 0551-0032
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
 Absence of information unless it displays a valid OMB control number.
 MBI-0003-2 DIV

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

PATENT
TRANSMITTAL

(Only for new applications filed under 37 CFR 1.53(b))

APPLICATION ELEMENTS

patent application contents.

U.S. Patent and Trademark Office to a collection of information unless it displays a	
Attorney Docket No.	MBI-0003-2 DIV
First Inventor	ZHANG, James
Title	PLANT GENE SEQUENCES I
Express Mail Label No.	EV 041 967 796 US
Assistant Commissioner for P Box Patent Application DC 20231	

PLANT GEN. EV 041 967 796
press Mail Label No.
ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231
Scale, large table or

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent.
See Transmittal Form (e.g., PTO/SB/17)
Original and a duplicate for fee processing
Entity status.

- See MPEP § 2.101 for more information.
1. ☒ **Fee Transmittal**
(Submit an original and a duplicate)
Applicant claims small entity status.
See 37 CFR 1.27. **(Total Pages 43)**
2. ☐ **Specification**
(Preferred arrangement set forth below)
- Descriptive title of the invention
- Reference to Related Applications
- Field sponsored R & D
3. ☒ **Abstract**
(Required for all inventions)

Specification
(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the invention
- Brief Summary of the invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

- Detailed Description
- Claim(s)
- Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113)
5. Oath or Declaration
- a. ☐ Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
- b. ☒
- DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
- 37 CFR 1.76
- [Total Sheets
Total Pages 12]

6. ☐ Application Data Sheet. See 37 CFR 1.76.

18. If a CONTINUING APPLICATION, check appropriate box:
☐ Continuation ☒ Divisional ☐ J. L. Examiner: _____

☐ Continuation of
Prior application information.

☐ Continuation ☒ Example 1

Prior application information:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the accompanying patent application, including the description, claims, and drawings, is incorporated by reference into this application. The incorporation can only be relied upon when a portion has been disclosed in Box 5b, is considered a part of the disclosure of the accompanying patent application.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

Name		State	
Address		Telephone	
City		Registration	
Country	Matthew R. Kaser, D.Phil.		
Name (Print/Type)	[Signature]		

...to take 0.2 hours to complete. Time will vary de
 ...should be sent to the Chief Inform
 ... ADDRESS. AND T

Box 25000
Washington, DC 20237

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (If applicable, all necessary)

a. ☐ Computer Readable Form (CRF)

b. Specification Sequence Listing on:

i. ☐ CD-ROM or CD-R (2 copies); or

ii. ☒ paper

c. ☒ Statements verifying identity of above copies

SPONSORING APPLICATION PART

Cover sheet & document

IL ☒ paper
☒ Statements verifying identity of above
ACCOMPANYING APPLICATION PARTS
 Papers (cover sheet & document(s)
 Power of Attorney

- ACCOMPANYING APPLICATION PAPER**
- 1. ☒ Statements verifying**
- 2. ☐ Assignment Papers (cover sheet & document(s))**
- 3. ☐ Power of Attorney**
- 4. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)**
- 5. ☐ English Translation Document (if applicable)**
- 6. ☐ Copies of Citations**
- 7. ☐ Information Disclosure Statement (IDS)/PTO-1449**
- 8. ☒ Preliminary Amendment**
- 9. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**
- 10. ☒ Certified Copy of Priority Document(s) (if foreign priority is claimed)**
- 11. ☐ Nonpublication Request under 35 U.S.C. (b)(2)(B)(i). Applicant must attach for its or its equivalent.**
- 12. ☐ Petition For Ext. of Time (3 mo)**
- 13. ☒ Other: 37 CFR 1.821-1.825 Statement**
- 14. ☐ Information below and in a preliminary**

of prior application No.: 09,394
Group Art Unit: 1635

Continuation-in-part (CIP)

Epps
entire disclosure... application, from...
...or divisional application and is...
...omitted from the submitted applic...

entire accompanying
portion has been
19. CORRESPONDENCE

19. CONFIDENTIAL

23678

250
PATENT NO. 250

State	
Telephone	
Registration	

Matthew R. Kaser, D-Phil

estimated to take 0.2 hours to complete. Time will vary depending on the complexity of the information requested. The information should be sent to the Chief Information Officer at the following address: **CHIEF INFORMATION OFFICER, 1000 P STREET, N.W., WASHINGTON, D.C. 20004**

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

PTO Form 202 (10-00)
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Docket Number (Optional)
1581-0003

In re Application of	SHANG, James et al.
Application Number	00/304,579
For	PLANT GENE SEQUENCES I
Group Art Unit	1636
Filed	8/13/1999
Examiner	J. L. Epps

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.
The requested extension and appropriate non-small-entity fee are as follows:
(check time period desired):

- ☐ One month (37 CFR 1.17(a)(1))
- ☐ Two months (37 CFR 1.17(a)(2))
- ☒ Three months (37 CFR 1.17(a)(3))
- ☐ Four months (37 CFR 1.17(a)(4))
- ☐ Five months (37 CFR 1.17(a)(5))

claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown reduced by one-half, and the resulting fee is: \$
The amount of the fee is enclosed.

\$
\$
\$ 520.00
\$
\$

credit card. Form PTO-2038 is attached.
has already been authorized to charge fees in this
Deposit Account.
hereby authorized to charge any fees which may be required.
sent, to Deposit Account Number 50-1025
te copy of this sheet.

of the entire interest. See 37 CFR 3.71.
37 CFR 3.73(b) is enclosed. (Form PTO/SB/98).
37 CFR 1.34(a).
under 37 CFR 1.34(a).


become public. Credit card information should not
card information and authorization on PTO Form 2038.

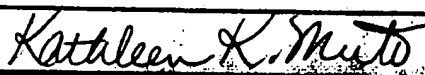
Signature
Matthew R. Kaser, D.Phil., Reg. No. 44,817
Typed or printed name
or their representative(s) are required. Sign and print

very depending on the nature of the information. For more information, see the
Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20503
SEND TO: Assistant Commissioner for Patents, Washington, DC 20503

<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	Application Number	09/394,519	
	Filing Date	09/13/1999	
	First Named Inventor	ZHANG, James	
	Group Art Unit	1638	
	Examiner Name	Epps, J. L.	
Total Number of Pages in This Submission	10	Attorney Docket Number	MBI-0003

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Transmittal, Fee Transmittal, Petition For Extension of Time of 10/16/02; Transmittal, Fee Transmittal, Petition For Extension of Time of 11/15/02; Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mendel Biotechnology, Inc. Matthew R. Kaser, D.Phil., Reg. No. 44,817 21375 Cabot Blvd., Hayward, CA 94545
Signature	
Date	23 rd December 2002

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:		
		12/23/02
Typed or printed name	Kathleen K. Muto	
Signature		Date: 12-23-02

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